

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America

v.

Eduardo Gomez-Galvan

&

Linda Lizeth Larcom

Case No.

5:22-MJ-332

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 02/23/2022 in the county of Webb in the
Southern District of Texas, the defendant(s) violated:

*Code Section**Offense Description*

Title 18 U.S.C 111(a)(1), (b)(1)

Whoever—

(a)(1) forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of official duties; shall, where the acts in violation of this section constitute only simple assault.

(b)(1) Whoever, in the commission of any acts described in subsection (a), uses a deadly or dangerous weapon or inflicts bodily injury, shall be fined under this title or imprisoned not more than 20 years, or both

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

ALVES.MATTHEW.D. Digitally signed by
 .T10U65F84 ALVES.MATTHEW.D.T10U65F84
 Date: 2022.02.23 17:45:23 -06'00'

Complainant's signature

Matthew Alves, FBI Special Agent

Printed name and title

Submitted by reliable means, sworn to, signature attested telephonically per Fed. R. Crim. P. 4.1:

Date: 02/24/2022

*Judge's signature*City and state: Laredo, Texas

Christopher A. dos Santos, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

United States of America

v.

Eduardo Gomez-Galvan

Linda Lizeth Larcom

I am currently employed as a Special Agent (SA) with the Federal Bureau of Investigation (FBI) and have been so employed since July 2019. Since July 2019, I have participated in investigations concerning violations of Title 18 and 21. As a Special Agent, I have experience investigating violations of federal laws including Health Care Fraud, White Collar Crime, Wire Fraud, Public Corruption, International and Domestic Terrorism, Counterintelligence, Violent Crime, Domestic and International Organized Crime and illicit smuggling.

On February 20, 2022 United States Border Patrol Agents ("Agent" or "Agents"), were performing their official duties, in uniform as agents with the United States Border Patrol ("USBP") in Laredo, Texas.

At approximately 1:30 a.m. a Laredo South Station (LRS) Border Patrol Agent (BPA) Scott Allen was performing his official duties, working traffic near the Dairy Ranch area in Laredo, Texas. BPA Allen observed a maroon sports utility vehicle (SUV) on U.S. Hwy 83. The SUV pulled alongside BPA Allen and stayed parallel with his BPA vehicle. BPA Allen accelerated, and later tried to slow down in order to get behind the SUV to run checks. The driver of the SUV would not allow BPA Allen to get behind their vehicle. Based on BPA Allen's experience and training the driver's behavior appeared to be suspicious, potentially indicative of a possible illicit smuggling attempt. BPA eventually pulled behind the SUV and followed the vehicle to conduct an immigration inspection. The SUV immediately accelerated away at a high rate of speed driving over 85 miles per hour. As the SUV began to pull away from BPA Allen it passed other drivers who were in the left lane by driving on the left shoulder of the highway, halfway in the emergency lane and halfway on the grass embankment. BPA Allen continued to follow in his marked BP vehicle with emergency lights activated.

BPAs positioned a Vehicle Immobilization Device (VID) commonly known as a spike strip on Espejo Molina Road deflating the SUVs tires. The SUV continued to drive toward El Cenizo and came to a stop at a residence on the 600 block of Rodriguez Street, Laredo, Texas outside a closed gate. There had been a male subject driving the SUV and a female in the front passenger seat. The male subject exited the driver's side of the vehicle and attempted to squeeze through the closed chain-link gate-fence. BPA Scott Allen and BPA Daniel McGrath were in their USBP uniforms and had active emergency lights on their vehicles when they pulled alongside the SUV and moved toward the male subject. The male subject, later identified as Eduardo Gomez-Galvan (Gomez-Galvan), became assaultive and actively resisted arrest.

Gomez-Galvan landed closed fist punches to BPA McGrath's head and kicked BPA McGrath in the face as he attempted to separate from BPA McGrath's grasp and squeeze through the gate. BPAs requested additional agents to assist placing Gomez-Galvan under arrest as the struggle continued. Gomez-Galvan continued resisting and moved towards the residence.

An older male exited the residence and Gomez-Galvan entered the residence. As Galvan-Gomez was halfway inside the house BPAs saw hands from inside the residence attempt to pull Galvan-Gomez in and shut the door as they held on from outside the residence. As Galvan-Gomez continued to forcibly resist arrest, he and BPAs Allen and McGrath fell into the house, and the struggle continued. Gomez-Galvan continued to fight, moving through a kitchen and into a bedroom. Supervisory Border Patrol Agent {SBPA} Cary Miller arrived on scene at this time and witnessed the BPAs struggling to control Gomez-Galvan in the bedroom and deployed his Electronic Control Weapon {ECW} striking Gomez-Galvan. Gomez-Galvan continued to resist arrest when the female subject from the SUV approached BPA McGrath and BPA Allen and began to strike the agents. SBPA Cary Miller and BPA Allen detained the female subject, later identified as Linda Lizeth Larcom {Larcom}. Gomez-Galvan continued to resist being placed into custody and SBPA Cary Miller administered a drive stun with his ECW, applying direct contact of the ECW to Gomez-Galvan. Gomez-Galvan became compliant, and the BPAs were able to place him into custody. Once Gomez-Galvan was in custody, he made the statement, "I am sorry, I didn't mean for things to escalate to this." BPA McGrath sustained an injury to his hand and ear and his eyeglasses were broken from the kick he sustained to his face, and BPA Allen sustained a sprained middle finger and cuts to his hands.

Gomez-Galvan and Larcom were arrested for assaulting the BPAs. Gomez-Galvan was evaluated by Emergency Medical Technician's (EMT), who removed two ECW prongs from Gomez-Galvan's body. Gomez-Galvan and Larcom were then transported to USBP Station South for intake and processing. BPA Allen and BPA McGrath sought medical evaluation at STAT Medical after the assault, where photographs of BPA Allen and BPA McGrath's injuries were documented.

FBI Agents conducted interviews of Gomez-Galvan and Linda Lizeth Larcom. The interviews were recorded, and law enforcement provided Gomez-Galvan and Larcom their advice of rights. Gomez-Galvan and Larcom were interviewed separately, and both understood and signed the advice of rights forms. Gomez-Galvan stated he was at a bar and when they left, they saw a Border Patrol vehicle behind them which had attempted to pull him over for no reason. Gomez-Galvan stated he did not pull over for the Border

Patrol vehicle because USBP has no reason to pull them over. Gomez-Galvan stated when he made it home to his residence and was unlocking his gate, USBP agents jumped him. Larcom stated she approached USBP agents and attempted to defuse the situation by talking to the BPAs and asking them what was going on. Gomez-Galvan and Larcom both denied striking BPAs.

Based on my experience and the aforementioned facts and observations, I believe there is probable cause that Eduardo Gomez-Galvan and Linda Lizeth Larcom acted in violation of Title 18 United States Code Section 111(a)(1), (b)(1).



Matthew D. Alves
Special Agent
Federal Bureau of Investigation